

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

RONNIE GILES,)
)
Plaintiff,)
)
vs.) CAUSE NO. 3:06 CV 528-WKW
)
MASTERBRAND CABINETS, INC.)
)
Defendant.)

PROPOSED VERDICT FORM

Defendant, MasterBrand Cabinets, Inc. ("MBCI"), by counsel, respectfully submits the following proposed verdict form. MBCI requests that it be permitted to supplement or modify this Proposed Verdict Form as may be necessary or appropriate after submission of all evidence or during conference with the Court.

Respectfully submitted,

s/Kelley Bertoux Creveling
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MASTERBRAND CABINETS, INC.)
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Ladies and Gentlemen of the Jury:

1. Do you find that Mr. Giles established by a preponderance of the evidence that MBCI unlawfully retaliated against him by terminating his employment on January 9, 2006 because he had previously taken leave under the Family and Medical Leave Act?

_____ Yes _____ No

IF YOUR ANSWER IS "NO," STOP HERE. SIGN/DATE THIS FORM BELOW AND GIVE IT TO THE BAILIFF.

IF YOUR ANSWER IS "YES," ANSWER QUESTIONS 2 and 3.

2. If you find that MBCI's decision to terminate Mr. Giles' employment was unlawful, do you find that MBCI acted in good faith in making that decision?

_____ Yes _____ No

3. Please calculate the amount of lost compensation that Mr. Giles would have earned at MBCI had he not been discharged in retaliation for any protected leave he took under the Family and Medical Leave Act. Lost compensation should be awarded to Mr. Giles based on the following:

A. Calculate past wages and benefits you find Mr. Giles would have earned at MBCI had he remained employed through the date of trial: _____

B. Calculate wages and benefits you find that Mr. Giles earned through other employment through the date of trial: _____

C. Calculate wages and benefits you find that Mr. Giles could have earned through exercise of reasonable diligence in securing other employment through the date of trial: _____

TOTAL: Calculate total lost compensation by subtracting B & C from A:

IF YOU ANSWERED "YES" TO QUESTION 2, ANSWER QUESTIONS 4 AND 5.

IF YOU ANSWERED "NO" TO QUESTION 2, STOP HERE. SIGN/DATE THIS FORM BELOW AND GIVE IT TO THE BAILIFF.

4. Do you find that Mr. Giles is entitled to additional liquidated damages?

_____ Yes _____ No

5. If you and answered "yes" to question 4, how much do you find Mr. Giles should be awarded as liquidated damages?

\$ _____

(amount may not exceed the "total" in response to question 3 above)

SO SAY WE ALL

Foreperson

Date

CERTIFICATE OF SERVICE

I certify that on August 7, 2007, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following party by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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s/Kelley Bertoux Creveling
